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Jonathan O. Owens			CHEA, PHILIP J	
HAVERSTOCK & OWENS LLP				
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/658,057
Filing Date: September 08, 2003
Appellant(s): SATO, NAOYUKI

Jonathan Owens
Reg. No. 37,902
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/9/10 appealing from the Office action mailed 6/14/10.

Art Unit: 2492

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

1-7,9-33, 35-41

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2002/0173981

Stewart

Art Unit: 2492

2004/0002343

Brauel et al.

6,618,005

Hannah et al.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
2. Claims 1-7,9-33,35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 2002/0173981), herein referred to as Stewart, and further in view of Brauel et al. (US 2004/0002343), herein referred to as Brauel, and further in view of Hannah et al. (US 6,618,005), herein referred to as Hannah.

As per claims 33,1,9,14,21,28, Stewart discloses a network of devices, as claimed, comprising:
one or more access points to provide access to an internet site (see Fig. 1A, [120A-120B], *giving PCD [110A-110B], access to internet site [180]*);

one or more internet access systems, each capable of communicating with the one or more access points to access the internet site through one of the access points (see Fig. 1A [110A-110B], *showing internet access systems communicating with the access points to connect to the internet site [180]*);

an apparatus to provide the internet site and capable of being accessed through the one or more access points (see paragraph 35, *showing that the KGL website is comprised on a web server (i.e. apparatus to provide the internet site)*) comprising:

a location table including a plurality of entries each having location information corresponding to an appropriate one of the access points (see paragraph 12, *describing how APs are arranged in geographic locations and may provide geographic location information regarding the location*

of the AP and that the AP transmits the location information to the system so that the user will receive location information from the website (see paragraph 47); and

localized information database coupled to the location table to provide localized information based on the location information (see paragraph 47, where *localized information such as maps of the area or advertisements or services of business or nearby businesses*),

wherein the location information is determined at that apparatus based on the location table (see paragraph 47, describing how the KGL website (i.e. KGL web server) determines the access point location and "stored KGL information" correlated with that location to provide the location information, the stored information is considered the table).

Although the system disclosed by Stewart shows substantial features of the claimed invention (discussed above), and shows that an access point can be identified by its MAC ID to look up location information in a database (see paragraph 84) it fails to disclose that the location table includes a plurality of entries having a network address and physical location information corresponding to one of the access points.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Stewart, as evidenced by Brauel.

In an analogous art, Brauel discloses a system for receiving location based services where a wireless device communicates over a plurality of access points to a communication server. Brauel also shows a location table that includes a plurality of entries having a network address and physical location information corresponding to an access point (see Fig. 2, showing a location table with network addresses (see paragraph 11) corresponding to an access point).

Given the teaching of Brauel, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Stewart by employing a location table with network addresses corresponding to an access point, such as disclosed by Brauel, in order to identify the access point using its network address and associate the access point address with its location to provide location based services.

Art Unit: 2492

Although the system disclosed by Stewart in view of Brauel shows substantial features of the claimed invention (discussed above), it fails to disclose wherein the localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point .

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Stewart in view of Brauel, as evidenced by Hannah.

In an analogous art, Hannah discloses that wireless network device can obtain their geographical location by triangulating with access points that have precise time information (see Abstract). Hannah further discloses localized information corresponding to a physical location of a specific access point accessing the internet site is defined by the apparatus according to the physical location, independent of an identification of the specific access point (see column 3, lines 45-50, *where the access points can give their physical location to the server from an initial communication* and see column 2, lines 36-44, *describing how the physical location can be stored as longitude and latitude*).

Given the teaching of Hannah, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Stewart in view of Brauel by employing localized information independent of identification of the specific access point, such as disclosed by Hannah, in order to provide mobile users local information.

[claim 9] *In considering repeating the steps upon an initial communication from each of the access points, it is obvious that once the access point location information is stored in the server that the server can repeat the localized information to other mobile devices using the stored location information.*

As per claims 2,10,15,22,29,36, Stewart in view of Brauel further discloses that the network address is an internet protocol address (see Brauel paragraph 24, *showing that the address is in accordance with whatever communication protocol is used*); since Stewart discloses using an IP network (see paragraph 65), *it is obvious that the address is an internet protocol address*).

Art Unit: 2492

As per claims 3,16,23,37, Brauel further discloses generating an entry in the location table including the network address and the corresponding location information after receiving a first communication from one of the access points (see paragraph 25).

As per claims 4,17,24,38, Stewart further discloses obtaining the corresponding location information from the access point (see paragraph 12, *describing that the access point transmits the location information to the system*).

As per claims 5,18,25,39, Stewart further discloses that the localized information includes one or more of weather, news, traffic information and information regarding nearby points of interest (see paragraph 47 and paragraph 13).

As per claims 6,12,19,26,30,40, Stewart further discloses that the internet site is provided by an internet server (see paragraph 35).

As per claims 7,11,13,20,27,31,41, Stewart further discloses that the internet site is provided by the internet portal (see Fig. 4, *describing how the customer accesses the KGL website (i.e. portal) to receive KGL services (i.e. known geographic location services)* and paragraph 13).

As per claim 32, Stewart further discloses that the location information is a physical location of the access point (see paragraph 34).

As per claim 35, Stewart further discloses that the one or more internet access systems are one or more of a portable computer, a cellular telephone and a personal digital assistant device (see paragraph 41).

(10) Response to Argument

A) Appellant contends that Stewart in view of Brauel in view of Hannah do not disclose localized information corresponding to the location information is defined by the internet portal, independent of an identification of the access point.

In considering A), the Examiner respectfully disagrees. The localized information was taught by Stewart. The association of access points and their physical location was taught by

Art Unit: 2492

Brauel and Hannah. Hannah further teaches that the location information can be stored from the access point onto a server (see column 2, lines 35-42). This can be used to offer localized information independent of the identification of the access point because the information about the access point has already been stored previously. The Examiner has taken into account knowledge that was within the level of ordinary skill in the art at the time the invention was made. One of ordinary skill in the art would have found it obvious to combine each of these references to derive the claimed limitation.

B) Appellant contends that Stewart teaches away from the combination of Brauel and Hannah and the combination would change Stewart's principal mode of operation.

In considering B), the Examiner respectfully disagrees. Stewart was merely used to teach that it is desirable to provide location information to portable devices in case they may want to receive sale information about stores that are near by. One of ordinary skill in the art would have found it obvious to modify the inner workings of Stewart using the teachings of Brauel and Hannah and could still provide the location information.

C) Appellant contends that Stewart does not teach generating a location table corresponding to the network address and location of access points upon an initial communication from the access points, thereby not needing the access point to transmit the information again on subsequent communications.

In considering C), Stewart was not used to teach this limitation. The Examiner relied on Brauel's teaching of associating the location information with access points and its physical location and storing this information in a table (see Fig. 2). Furthermore, Brauel teaches that the address of each access point is established in accordance with whatever communication protocol is used to facilitate communications over the data connection and that the access points address is stored in memory (see paragraph 24). Brauel further goes on to show that an administrator can enter in the physical location of the access points and can readily find out the address of

each access point (see paragraph 25). Therefore, it is obvious that upon an initial communication from the access point such as when the address is established in accordance with the communication protocol the administrator can generate the location table. In considering the access point not needing to transmit information again on subsequent communications, the location table is saved in memory alleviating the need to generate the table again.

D) Appellant contends that Brauel does not teach generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points.

In considering D), please see response to C) above.

E) Appellant contends that Hannah does not disclose defining localized information by the internet server/portal, the localized information being determined according to the physical location information and independent of an identification of the access point.

In considering E), the Examiner respectfully disagrees. Hannah teaches that the location information can be stored from the access point onto a server (see column 2, lines 35-42). This can be used to offer localized information independent of the identification of the access point because the information about the access point has already been stored previously. That is, once the location information is stored from the access points on the server/portal, the access points no longer need to identify themselves to the server/portal since the location information is already stored on the server/portal after that initial communication.

F) Appellant contends that Hannah does not disclose generating a location table corresponding to the network address and location of access points upon an initial communication from each of the access points.

In considering F), please see response to C) above.

Art Unit: 2492

G) Appellant contends that Stewart teaches one of a network address or location information but not both.

In considering G), the Examiner relied upon Brauel to teach a location table and physical location attributes of an access point. The Examiner believes this is an obvious extension that could be added to the system of Stewart. One of ordinary skill in the art would have found it advantageous to relate a network address to a physical location of an access point to provide location based services depending on the physical location of the access point.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Philip J Chea/

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